

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

SAMUEL PARRAMORE, #121872

PETITIONER

VERSUS

CIVIL ACTION NO. 1:12-cv-55-HSO-RHW

RON KING, SUPERINTENDENT

RESPONDENT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION, GRANTING RESPONDENT'S MOTION TO DISMISS,
AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [16] of United States Magistrate Judge Robert H. Walker, entered in this cause on October 1, 2012, and the Motion to Dismiss [12] filed by Respondent Ron King on April 18, 2012. The Magistrate Judge reviewed Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and Respondent's Motion to Dismiss [16], and determined that the Motion to Dismiss [10] should be granted. Proposed Findings of Fact and Recommendation [16], at p. 6. The Magistrate Judge recommended that Petitioner's Petition for Writ of Habeas Corpus be dismissed as untimely. *Id.* Petitioner received a copy of the Magistrate Judge's Proposed Findings of Fact and Recommendation [16] on October 3, 2012, Acknowledgment of Receipt [17], but he has not filed any objection thereto.

Where no party has objected to the Magistrate Judge's Proposed Findings of Fact and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which

objection is made.”). In such cases, the Court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge’s findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge’s Proposed Findings of Fact and Recommendation [16] as the opinion of this Court. Petitioner Samuel Parramore’s Petition for Writ of Habeas Corpus will be dismissed as untimely.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Proposed Findings of Fact and Recommendation [16] of Magistrate Judge Robert H. Walker, entered on October 1, 2012, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Motion to Dismiss [12] filed by Respondent Ron King on April 18, 2012, is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Petitioner Samuel Parramore’s Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED WITH PREJUDICE**. A separate judgment in accordance with this Order will be entered, as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 22nd day of October, 2012.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE